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11 \*Attorney for Petitioner Victor Torres-Mejia

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Victor Torres-Mejia,

Petitioner,

v.

Jerry Howell, *et al.*,

Respondents.

Case No. 2:18-cv-00681-RFB-VCF

**Unopposed motion for extension of  
time to file amended petition for  
writ of habeas corpus**

**(First request)**

1 Petitioner Victor Torres-Mejia moves this Court for the entry of an order  
2 extending the time within which to file an amended petition for writ of habeas corpus  
3 by 126 days from October 23, 2018 to and including February 26, 2019. Mr. Torres-  
4 Mejia's AEDPA statute of limitations deadline is February 26, 2019. The state, by  
5 Senior Deputy Attorney General Heather D. Procter does not object to this request,  
6 though her non-objection does not constitute a waiver of any procedural defenses  
7 respondents may wish to raise in response to the amended petition including, but not  
8 limited to, timeliness, procedural default, and questions of exhaustion. Ms. Procter's  
9 lack of objection also does not constitute an agreement from her that the AEDPA  
10 statute of limitations expires on February 26, 2019.

11 This is Torres-Mejia's first request for an extension of time. This motion is not  
12 filed for the purposes of delay but in the interests of justice, as well as in the interests  
13 of Torres-Mejia.

14 As stated above, counsel has calculated Torres-Mejia's AEDPA statute of  
15 limitations deadline to be February 26, 2019. After meeting with Torres-Mejia,  
16 counsel requested and was assigned an investigator for his case. Counsel intends to  
17 conduct investigation into Torres-Mejia's case in the hopes the investigation will yield  
18 results that counsel will incorporate into the amended petition. The investigation, as  
19 well as communication with Torres-Mejia, requires an interpreter, which slows the  
20 process. For these reasons, counsel respectfully asks this Court to grant his request  
21 to extend the time for filing an amended petition by 126 days until February 26, 2019.

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1 Dated October 22, 2018 .

2 Respectfully submitted,

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4 Rene L. Valladares  
Federal Public Defender

5 /s/Kimberly Sandberg

6 KIMBERLY SANDBERG  
7 Assistant Federal Public Defender

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10 IT IS SO ORDERED:

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12 \_\_\_\_\_  
13 RICHARD F. BOULWARE, II  
14 United States District Court

15 Dated: October 23, 2018.

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## CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Heather D. Procter.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Victor Torres-Mejia  
No. 1129538  
Southern Desert Correctional Center  
PO Box 208  
Indian Springs, NV 89070

/s/ Jessica Pillsbury  
An Employee of the  
Federal Public Defender